

N. CAROLINA FREE PRESS.

Whole No. 423.

Tarborough, (Edgecombe County, N. C.) Tuesday, October 9, 1832.

Vol. IX—No. 7.

The "North Carolina Free Press,"

BY GEORGE HOWARD,

Is published weekly, at Two Dollars and Fifty Cents per year, if paid in advance—or, Three Dollars, at the expiration of the subscription year. For any period less than a year, Twenty-five Cents per month. Subscribers are at liberty to discontinue at any time, on giving notice thereof and paying arrears—those residing at a distance must invariably pay in advance, or give a responsible reference in this vicinity. Advertisements, not exceeding 16 lines, will be inserted at 50 cents the first insertion, and 25 cents each continuation. Longer ones at that rate for every 16 lines. Advertisements must be marked the number of insertions required, or they will be continued until otherwise ordered, and charged accordingly.

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DOMESTIC.

ADDRESS

Of the Union and State Rights Convention of South Carolina.

At this period when the controversy by which the State has for years been distracted is drawing to an issue of fearful import, the Delegates of the Union Party assembled at Columbia, invite your solemn attention to the consideration of the best mode of providing for the public safety. They solicit your co-operation in a common effort to sustain the prosperity and if possible the peace of the country. There is no Tariff party in South Carolina; we agree on every side that the tariff should be resisted by all constitutional means. So far there is no difference of opinion, but we are divided as to the character of the means that should be employed: and resistance by Nullification is the fatal source of bitterness and discord—Even those who are in favor of nullification differ widely as to its character. It is recommended as Constitutional and peaceful, but when explained even by its own advocates it assumes many different aspects, and furnishes an evil omen of interminable strife. Regarded as a peaceful remedy, nullification resolves itself into a mere lawsuit and may be shortly dismissed as a feeble inefficient measure. For it has been wisely provided that the Constitution and the acts of Congress made in pursuance thereof shall be the supreme law of the land—and in a court sitting under the authority of the Constitution, the merits of the question could receive no aid from the high sounding terms of an act of nullification. Regarded as a forcible interposition of the Sovereign power of the State the objections to it lie far deeper. It is not a mere infraction of the Constitution which, like an external injury, leaves its general utility unimpaired, but a radical and fatal error. The theory renders the Constitution a dead letter—and the practical enforcement of the doctrine is the beginning of Revolution. A government inadequate to its purposes cannot in the nature of things maintain its existence. The great end and aim of the Constitution is to preserve the Union of the States, and by that means the harmony and prosperity of the country. The old Confederation proved inadequate to that end, because the execution of its resolutions depended on the will and pleasure of the several States. The Convention which formed the Constitution owed its existence to the necessity of giving to the General Government the power to execute its own laws. If the several States can nullify an act of Congress like the Tariff, that power cannot be exercised, and the Federal Government must follow the fate of the Confederation. It is vain to argue against facts. The theory of nullification falsifies the history of the country. It is monstrous to contend that the framers of the Constitution did not invest the General Government with full power to execute their own laws, or that without such a power union can exist.

The restriction of the State Veto in its terms to laws declared by the State to be unconstitutional is merely nominal. In practice it can make no difference, for whether the law be constitutional or not,

the effect of nullification must be the same. If one State has the jurisdiction to declare a law unconstitutional every other State must have the same; and the Constitution can have no settled meaning. It is vain to say that the power would not be lightly exercised. If it were a power which the States possess, if the right was acknowledged there would be no more difficulty or reserve in the exercise of it now, than under the Confederation. A veneration for the Constitution may prevent infractions but can have no application to the exercise of right when it is once admitted to be constitutional. According to the theory of nullification, any number of States, more than one-fourth of the whole, may change the Constitution. For in case a State shall nullify an act which that very State in common with all the others had formerly recognized as legitimate, or any law that is really constitutional, unless three-fourths concur in favor of the law so nullified the Constitution will, to all intents and purposes be changed; and this power of a minority to alter the Constitution is deduced from the express provision that it shall not be altered by less than a majority of three-fourths. By the same rule, if unanimity had been required in all amendments, the Constitution might have been changed by any one State. Such fallacy requires no exposure. A construction which destroys the text, and gives to words an effect directly opposite to their sense and meaning, is too gross for argument.

Such are the objections to nullification in theory. It is not merely an infraction of the Constitution, but a total abrogation of its authority. But in practice a dissolution of the Union is one of the least of the dire calamities which it must inflict on the country. A secession from the Union might possibly take place in peace, and would only impair our national defence, put our independence in danger, and give us up as a prey to foreign influence, with its usual consequences of domestic faction, and frequent wars. But Nullification in practice must produce a direct collision between the authorities of the State and those of the Union. It would place both parties under the necessity of a conflict, and ensnare the citizen between inconsistent duties, adding to the disasters of war the cruelty of penal laws. It may be said by the advocates of nullification, that the State is entitled to the unqualified allegiance of its citizens, and that the decrees of a State Convention would supercede all other obligations. Without stopping to examine the correctness of this doctrine, it may be conceded for the purposes of argument, that if the State authorities command us to withdraw our allegiance from the General Government, we are bound to obey. But Nullification professes to be a constitutional remedy—and whilst it calls upon us to resist the constituted authorities, it commands implicit obedience to the Constitution of the United States, can any thing less than humiliation and defeat be expected from such a tissue of inconsistencies.

But if nullification be considered not as a constitutional power, but as a high prerogative, and an exception justified by great emergencies, it must in principle be the same as the right of resistance, which is recognized by the principles of freedom as a right paramount to all Constitutions, and is but an application to the State as a political body of the same principle which prevails in every case between the people and the Government. But as this exception is by its very nature beyond all law, it cannot be incorporated into the rule of the Constitution. The question in all such cases is, whether necessity exists; whether the magnitude of the evil is such as to justify a resort to revolutionary force.

We cherish a sacred attachment to the Constitution, and deplore and deprecate

the effect of that rage and passion, which in the correction of abuses would sweep away the inestimable institutions of freedom. If nullification was not fatal to those institutions, there would be no dispute among us, and when the vital and essential interests of the State are in jeopardy, we should think no risk too great for their preservation. But it would little comport with patriotism or prudence to incur all the calamities attendant on the destruction of social order, if any plan can be suggested for a removal of the burthens of the Tariff (already considerably diminished) by safer and more eligible means. We believe that the times call loudly for the adoption of such a plan, and that no insuperable objections stand in the way of a cordial co-operation of all parties. Let the Southern States meet in Convention and deliberate as well on the infraction of their rights as on the mode and measure of redress. The State of Virginia, North Carolina, Georgia, Tennessee, Alabama and Mississippi, are equally concerned with us in all the consequences of the Tariff. If the freedom and prosperity of one are involved in the issue, those of all the others are equally concerned.

Whatever advantages may be expected from nullification as a constitutional check, can only be realised by a concurrence of the States that are interested, and such a co-operation appears to be clearly intimated by the Virginia Resolutions as the proper proceeding in such cases. And if Nullification be regarded as an appeal to the principle of resistance, it would be madness to expect success without the support and countenance of these States. If the States, which are injuriously affected by the Protective System, concur in regarding the ordinary constitutional checks as insufficient to restrain the General Government within its proper sphere, such interposition as they may advise, will be most effectual, and productive of the smallest injury.

Even those who support the opinion that Nullification is a constitutional and peaceful remedy, admit that it is only to be resorted to in extreme cases, and on the ground of great public necessity. And how shall we be satisfied of this necessity but by the support and concurrence of those States who are equally interested? Many causes may conspire to create an excitement in one State out of all proportion to the magnitude of the evil. But if the excitement is general, and prevails as widely as the mischief extends, we may be assured that it does not proceed from prejudice or accidental causes, and that the crisis has arrived for the intervention of an extraordinary remedy. It is due to the veneration in which the Constitution ought to be held, to the responsibility which we are under for preserving it inviolate, that no measure, involving in its consequences, so essentially the stability of the government as Nullification confessedly does, should be undertaken, except by the concurrence of such a number of the States as are invested with the restraining or negative power in the case of amendments.

Such are the advantages of a Southern Convention. The objections to it may be easily disposed of. It is not unconstitutional. The States are prohibited from entering into treaties or confederacies among themselves. But a Southern Convention will form no treaty or compact of any kind. Their object will be to deliberate, to enlighten, and give effect to public opinion. Nor will their deliberations be injurious to the Union. If the States who are aggrieved by the Tariff laws act in concert, their claims will in all probability be conceded—but if the very worst that can be imagined should happen, and their demands be capriciously rejected, it will be for the several States and not for the Convention to act on the subject. The advice of the

Convention will no doubt have great weight, but it will be a salutary influence, not a legal control.

In the spirit of amity we make this appeal to our fellow citizens. The glorious inheritance of freedom is at stake. The same blow which destroys the Union, levels to the ground the defences of liberty. Under the Federal Constitution we have enjoyed all which the patriots of the American Revolution desired to see. Our country has increased in riches, in knowledge and in honor. And those who offered up their lives in the cause of America, would have closed their eyes in peace if they could have been blessed with a vision of that future which we have enjoyed. The happiness of our citizens has formed the admiration of the wise and good; and now when the scene is changed, and discontents created by the acts of Government, have brought the Constitution itself into danger, it depends on the moderation and wisdom of the sons of liberty, to repay in some degree the debt of gratitude, by transmitting the same inheritance to their posterity.

[Here follow the Resolutions which have already appeared in this paper. Two from the committee of correspondence are to meet the Convention at Milledgeville, (Geo.) on the first Monday of this month, and sub-committees of two are to meet the Legislatures of the other Southern States. Mr. Poinsett and Judge Huger are the delegates to the Legislature of this State.]

Singular Fact.—The Chenango N.Y. Republican says: Among the applicants for pensions before the Vice Chancellor's Court, in this county, a few days since, were two men, a father and his son! the former aged about 94 years, the latter 70. They both served two years or more in the Revolutionary war! and the father had been through the French war. While the son was giving his declaration to the Court, the father caused much laughter by occasionally correcting him with 'tut, boy, you are mistaken.' 'You are wrong, boy!' The term 'boy,' applied to a war-worn veteran of 70, whose whitened locks and wrinkled visage evinced extreme old age, was irresistibly amusing. It may well be doubted whether a similar case exists in the State.

[The Windsor Herald says: A circumstance somewhat similar to the above has come to our knowledge. Among the applicants before Judge Donnell, in this county, last week, were a father and son—both of whom served in the same company, and were in several important engagements during the revolutionary war.]

Anniversary.—Sept. 20th, completed the 96th year of the venerable Charles Carroll, of Carrollton, the only surviving signer of the declaration of Independence.

Domestic Manufactures.—The Baltimore Visitor says: A gentleman of our acquaintance now in this city—a Virginian by birth, has "done the State some service." He is but 32 years of age, and is the father of fifteen children. He married his first wife at the age of fourteen—she died when he was eighteen, and was the mother of six—at nineteen years of age, he married his second wife, who is young yet—and the mother of nine. To use his own expression he has "prospects of more." Fifteen children, in seventeen years, is what we call doing a tolerable good business.

Dogs.—The number of dogs taken, killed and buried under the dog law of Philadelphia, between the 1st April last and the 15th Sept. is stated to be 1314.

Raleigh Star.

Remedy for the Sting of a Wasp.—Press the pipe of a key upon the part stung, for a minute or two, when the pain will cease, and the swelling disappear.